

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 04-00113 CRB

Plaintiff,

**ORDER**

v.

YOGESHKUMAR PATEL,

Defendant.

The Court is in receipt of the government's opposition to defendant's motion for modification of conditions of supervised release. The government's opposition does not address defendant's argument as to the scientific validity of the plethysmograph. If the government intends to take the position that the plethysmograph is scientifically valid, then the government shall be prepared to present such evidence at the hearing on November 5, 2008.

**IT IS SO ORDERED.**

Dated: Oct. 14, 2008



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

**United States District Court**  
For the Northern District of California

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